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PATENT
Attorney Docket No. 211174
Client Reference No. REN 1-00-107 CIP3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ULRICH et al.

Art Unit: 1761

Application No. 09/637,843

Examiner: C. A. Paden

Filed: August 10, 2000

Confirmation No. 7091

For: PRODUCTS COMPRISING CORN OIL AND
CORN MEAL OBTAINED FROM HIGH OIL
CORN

**NOTICE OF APPEAL FROM THE
EXAMINER TO THE
BOARD OF PATENT APPEALS AND INTERFERENCES**

Mail Stop Appeal Brief – Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner mailed February 2, 2005 (Advisory Action mailed May 23, 2005), rejecting the following claims: 1-25 and 73.

Applicants submitted a supplemental Information Disclosure Statement (IDS) on December 11, 2002 together with a 1449 form and copies of references. Attached is a copy of that IDS and the 1449 form along with the postcard stamped by the Office and returned to the Applicants indicating receipt of the submission.

On page 7 of a December 21, 2004 Response to Office Action, Applicants indicated to the Office that the December 11, 2002 1449 had not yet been initialed and returned to them. Again, in a April 28, 2005 Response to Office Action, Applicants indicated to the Office that the 1449 still had not been initialed and returned; Applicants also supplied a copy of the 1449 form. On June 24, 2005, the Examiner was contacted by telephone and alerted to the fact that Applicants still had not received an initialed copy of the December 11, 2002 1449 form. Examiner advised that Applicants attach a copy of the form with their planned Notice of Appeal.

Applicants respectfully request that the Examiner initial and return the December 11, 2002 1449 form.

07/01/2005 TBESHAH1 00000014 121216 09637843

01 FC:1401 500.00 DA

07/01/2005 TBESHAH1 00000014 121216 09637843

02 FC:1252 450.00 DA

The items checked below are appropriate:

1. Status of Applicants

This application is on behalf of ☒ other than a small entity or ☐ a small entity.

2. Fee for Filing Notice of Appeal

Pursuant to 37 CFR 41.20(b), the fee for filing the Notice of Appeal is for: ☒ other than a small entity or ☐ a small entity.

Notice of Appeal Fee due \$500.00

3. Extension of Time

- ☒ Applicants petition for a two-month extension of time under 37 CFR 1.136, the fee for which is \$450.00.
- ☐ An extension for one-month has already been secured and the fee paid therefore of \$120.00 is deducted from the total fee due for the total amounts of extension now requested.
- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.

Extension fee due with this request: \$450.00

4. Total Fee Due

The total fee due is:

Notice of Appeal Fee	\$500.00
Extension Fee (if any)	\$450.00

Total Fee Due: \$950.00

5. Fee Payment


- ☐ Attached is a check in the sum of \$.
- ☒ Charge Account No. 12-1216 the sum of \$950.00. A duplicate of this transmittal is attached.

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6. Fee Deficiency

- ☒ If any additional fee is required in connection with this communication, charge Account No. 12-1216. A duplicate of this transmittal is attached.

Respectfully submitted,




Kurt T. Buechle, Reg. No. 54,011
LEYDIG, VOIT & MAYER, LTD.
Two Prudential Plaza
180 North Stetson Ave., Suite 4900
Chicago, Illinois 60601-6780
(312) 616-5600 (telephone)
(312) 616-5700 (facsimile)

Date: June 28, 2005

In re Appln. of ULRICH et al.
Application No. 09/637,843

CERTIFICATE OF MAILING

I hereby certify that this NOTICE OF APPEAL (along with any documents referred to as attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Date: June 28, 2005 

Appeal Notice (Revised 12/23/04)